

## SURROGATE OVERRULES U. S. SUPREME COURT

Fowler Holds Italian Consul  
Has Right to Act as  
Administrator.

REFERS TO TWO TREATIES  
Says High Tribunal Relied on  
Argentine Pact Alone  
in Decision.

On an application by the Italian Consul General to be appointed administrator of the estate of an Italian citizen dying intestate in New York, Surrogate Fowler handed down a decision yesterday directly opposite to a recent decision by the Supreme Court of the United States and pointed out that the Supreme Court had not considered two treaties of the United States with foreign countries in reaching its conclusion. By Surrogate Fowler's decision the Italian Consul General is appointed administrator of the estate of Vincenzo Baglieri.

One of the most important functions of the Italian consular office here and elsewhere in this country has been the administration of the estates of Italians who died leaving no will. A decision by the United States Supreme Court in the case of *Rovato v. Thompson* a few months ago came to the Consul as a surprise. In this case the Supreme Court affirmed a decision by the courts of California holding that the public administrator and not the Italian Consul was entitled to letters of administration upon an Italian citizen dying intestate in that State.

When the application in the case of the Baglieri estate was made to Surrogate Fowler counsel for the Italian Consul General pointed out that the treaties upon which the Consul General here relied for his authority to administer the estates of intestate Italians was not before the Supreme Court in the California case. In upholding the Consul General's contention Surrogate Fowler said that the United States Supreme Court decision resulted from a consideration of the treaty between the United States and the Argentine Republic as to the rights and powers of Italian Consuls, since the treaty of 1878 between the United States and Italy confers the same powers upon Italian Consuls as upon similar officers of other nations in treaties with them.

The Supreme Court considered only the Argentine treaty which gave consular officers the right to intervene in the possession, administration and judicial liquidation of the estate of the deceased, and the Supreme Court found that the definition of the term "intervene" did not authorize the appointment of the Consul as administrator of an estate.

The Surrogate points out that the treaty between Paraguay and the United States in 1859 expressly and unequivocally gives to Paraguayan consular officers the right to name an administrator of a citizen of that country dying intestate here, while the convention between Sweden and the United States provides that a consular officer of that country shall have the right to be appointed administrator of the estate of a Swedish citizen dying here.

The treaty of 1858 between the United States and Italy, providing for consular officers to act as administrators, is likewise a consular officer, as likewise the consular chancellors, secretaries, clerks or attachés, shall enjoy in both countries all the rights, prerogatives, immunities and privileges which are or may hereafter be granted the officers of a consular grade of the most favored nation.

The Surrogate says that "under this article there can be no doubt that the provisions in our treaties with Sweden and Paraguay, so far as they relate to the powers and rights of consular officers with reference to the administration of the estates of citizens of their respective countries, were intended to be representative of the Italian Government. From the foregoing it is obvious that the Consul General of Italy is entitled to letters of administration on the estate of the intestate."

The application of the Consul General was opposed by a brother of Baglieri, who claimed the estate was appointed as the next of kin of the deceased.

**NEW RUSSIAN SHIP HERE.**

The *Czar* Arrives 11 Days Out From  
Lithuan.

The new Russian steamship *Czar* of the Russian-American Line arrived yesterday at this port from Lithuan, via Copenhagen. She averaged 16.75 knots on her eleven and one-half days at sea. Last Thursday while in latitude 41.50, longitude 39, the *Czar* passed a floating coffin. The side of the coffin was broken and the body of an adult human could be seen in it. About the coffin floated three small cakes of ice.

The *Czar* is a sister ship of the *Kirk* of the same line. She was built by Barclay, Curle & Co. in Glasgow and has a displacement of 13,500 tons. Her length over all is 425 feet.

The *Czar* is under the command of Capt. Smithbeck, formerly master of the *Burma* of the Russian East Asiatic Company. On her maiden voyage she was accompanied by Nils Schjern, who represented her builders.

**REPUBLICANS ABANDON TEXAS?**

No Ticket in the Field Against Gov.  
Colquitt and the Democrats.

DALLAS, Tex., June 11.—The failure of the Republican executive State committee to meet yesterday as required by law and prepare a ticket for the State election is taken by the Democrats to mean that the Republican party will have no nominees in Texas.

The relations between Gov. Colquitt, Democratic candidate for reelection, and Cecil Lyon, Republican national committee man, have been close. Friends of Judge Ramsey, Colquitt's opponent, say that the Republican support will go to Colquitt, who appointed Lyon's daughter to christen the battleship *Texas* recently.

**SCHOOLMANS TO WED.**

Four of Them Got Licenses Yesterday  
in Queens Borough.

Four school teachers who propose spending their coming vacation on honeymoon trips got marriage licenses yesterday in Queens Borough. They are Miss Ethelinda Fowler McGarrath, 28 years old, of 23 Hermon avenue, Jamaica, who is to wed Herbert Henry Gibbs, 28 years old, also of 23 Hermon avenue; Miss Hazel Stanton Wells, 22 years old, of 144 Madison avenue, who will wed Dr. F. H. Harrison of 50 Locust Street, Flushing; Miss Anna Reed, 22 years old, of 26 Forest Street, Ridgewood, who will marry Joseph Philip Edgewood, 22 years old, of 14 Hermon Street, Brooklyn; and Miss Helen B. Johnson, 25 years old, of 35 Union place, Jamaica, who is to wed Dr. J. H. Johnson, 25 years old, of 22 Astor Street, Flushing. It is understood that the four young women will continue as teachers until the end of the present term. Whether they will answer the call at the opening of the fall term in September is not known.

## MAY YOHE MUCH ALIVE.

She's in Atlantic City and Has Only  
Been on an Auto Ride.

ATLANTIC CITY, N. J., June 11.—May Yohe, the actress, who was reported to have mysteriously disappeared from her apartment in New York, did not commit suicide. No, she was called on suddenly by a friend in a motor car and the suggestion was made and accepted that she make a trip through the country.

The actress was seen this afternoon in a public conveyance with several companions. She went to the cafe of the Viltwhites Hotel, where she met Walter Gladney, the manager, with whom she had an acquaintance. Mr. Gladney was very much surprised. "A 'Dead'?" she said to Gladney, when he remarked about the report. "Not so you could notice it." Then she sought a long distance telephone to reach her mother and friends. But there was no response and she sent telegrams by wire reporting her whereabouts.

"Never mind who my friend and his wife are," she said later. "I am going home to-morrow and will straighten up these embarrassing reports. I left my apartment Thursday noon. I sent the note to my maid and told her I was going away. Wasn't necessary to tell her more. Never said in it that I was down and out and wanted to quit and that sort of thing. What for? Why, I went to Europe just the same way and borrowed extra wearing apparel from the stewardess."

In regard to losing a purse in Central Park she replied: "No mystery. I went down to my mother's apartment to give her the keys to the Ashbury Park bungalow and I told her I could not live there again. If I advertised for the purse then they would put it up to me as a game to get free advertising. Nothing of value in the bag, and I trusted to luck to have some one return it."

**MAURETANIA SAILS AT 5 P. M.**  
New Tea Time Departure Makes  
a Great Hit With the Farewellers.

The Cunard Mauretania sailed yesterday afternoon at 5 o'clock. Hereafter while the extreme southerly course for European bound liners prevails the Cunard express steamers *Mauretania* and *Mauretania* will follow this custom instead of sailing as hitherto at 1 o'clock on Wednesday mornings.

The new time is a popular one, especially for the folk that crowd to see friends off for Europe, and also for such inhabitants of the Chelsea section as enjoy what excitement a great liner being warped out into midstream preparatory for a voyage across the Atlantic. Hundreds of both sorts crowded the Chelsea pier yesterday afternoon, as the weather was fair and the hour propitious, and bade real and imaginary friends enthusiastic farewells.

Among those who sailed by the *Mauretania* were Bishop Boyd Vincent of southern Ohio and the Rev. W. T. Manning, rector of Trinity Church, who go to London to attend a meeting with the Archbishops of Canterbury, York, London, Liverpool and other archbishops, at which a worldwide conference between Christian churches, both Roman Catholic and Protestant, will be discussed.

Other passengers by the *Mauretania* were Martin Beck, Sam Bernard, Mr. and Mrs. William A. Brady and Frederic McKay.

**SUFFRAGE PROBLEM UP.**

Young Republican Club Waxes Warm  
Over Question.

In a most unexpected manner the question of woman suffrage came up at a meeting of the Young Republican Club at the Prince George Hotel last night which had been called for the double purpose of passing a recommendation of the executive committee that the basis of representation in national Republican conventions be changed and of listening to Job E. Hedges on national Republican conventions in general.

The idea of the executive committee of the club is that delegates to the national convention should be apportioned according to the number of Republican votes cast in any Congressional district at the last national election, the delegates at large to stand as at present.

This idea seemed to suit those present at night, but when it came to the proposition that in States where women are for President and Congressmen, the Republican vote should be reduced by one-half for the purposes of computation, there was trouble. After much discussion pro and con it was finally adopted with one dissenting vote. The address of Job Hedges that followed was like pouring oil on troubled waters.

**WILL RAISE TITANIC FUND.**

Miss Wood Will Cross Country to  
Room Memorial Plan.

WASHINGTON, June 11.—It was announced at the central office of the Woman's Titanic Memorial here today that Miss Mary Wood, one of the best known organizers of women's clubs in the United States, would make an ocean trip to ocean trip to form branch organizations to raise money and arouse interest in the proposition to erect in this city a suitable memorial to the men who died on the Titanic.

The principal stops will be at St. Louis, June 13; Kansas City, June 14; Riverside, Cal., June 15; Los Angeles, June 16; Santa Barbara, June 17; San Francisco, June 18; Portland, Ore., June 19.

On the return trip Miss Wood will visit various other cities.

**Senator Nixon's Funeral.**

RENO, Nev., June 11.—Every business house in Reno was closed on today while 6,000 persons were gathered on a lawn in front of the home of the late United States Senator Nixon for the Senator's funeral. Two Senators and eleven Congressmen were in the party. Gov. Odell and his staff were present. Among the flowers was a three foot wreath from President and Mrs. Taft. There was a prayer Christian Science service in the morning and a public service in the afternoon.

**Operation on Edgar L. Marston.**

PORT CHESTER, June 11.—Edgar L. Marston, the banker, was operated on this afternoon for appendicitis. He is resting comfortably. His city home is on Fifth avenue in New York City and he has a mansion at Port Chester. Mr. Marston was suddenly attacked with appendicitis yesterday afternoon and a consultation of physicians was held last night. It was decided that an operation was imperative. The operation was performed at his Port Chester home.

## SUMMER RESORTS.

NEW YORK.  
Cooperstown.



Cooperstown.

## THE O-te-sa-ga

On Otsego Lake

COOPERSTOWN, NEW YORK

WITHIN easy striking distance of the great eastern cities by both motor and rail, but situated, nevertheless, away from the crowded tourist routes, The O-te-sa-ga stands as the most delightful summer stopping place in this whole country. It is a hotel which makes an instant and thorough appeal to persons of discriminating taste.

The O-te-sa-ga is situated at an altitude of 1300 feet on the shores of Otsego Lake. On three sides of the hotel extends the rolling Cooperstown hill-country, netted with perfect motoring roads, and soft back-roads for driving and riding. There is a garage and livery service. The hotel itself is a modern, brick building, perfectly appointed, and so managed that it seems almost like a big club.

There is golf and tennis at the Cooperstown Country Club, next to the hotel, and there is sailing, boating, canoeing and bathing. The O-te-sa-ga booklet will be sent upon request.

Address The O-te-sa-ga  
%The Clark Estates, 149 Broadway, New York; or, Cooperstown, N. Y.

PAUL L. PINKERTON, MANAGER

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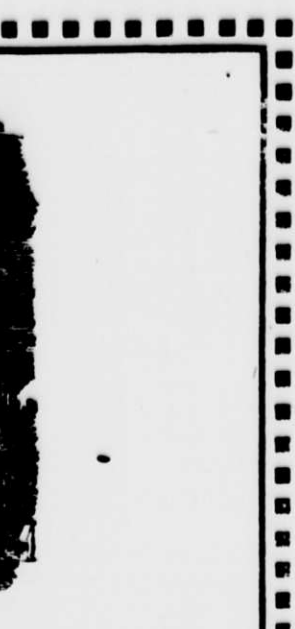
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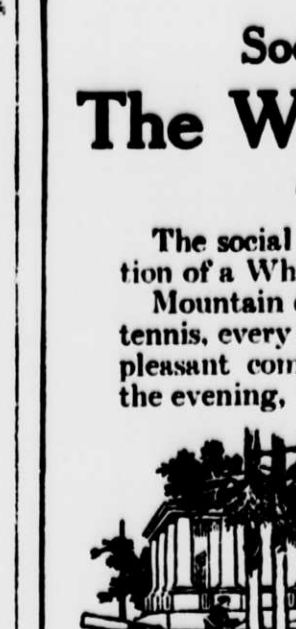
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